

### **INTERVIEW SUMMARY RECORD AND REMARKS**

Applicant and Applicant's representatives thank Examiner Jessica Roark for the courtesy of the recent telephonic interview in connection with the above-identified application. Pursuant to 37 C.F.R. § 1.133 and M.P.E.P. 713.04, Applicant presents this interview Summary Record of the interview of August 30, 2003 ("the Interview") between Examiner Jessica Roark and Applicant's representative, Muna Abu-Shaar, in connection with the above-referenced application.

During the Interview, The Examiner required an election of one either an 8F4 polypeptide or an 8F4 monoclonal antibody in the claimed methods. The Examiner further noted that the claims would be allowable if amended to recite that (1) the human 8F4 polypeptide is recognized by the antibody deposited with the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH ("DSMZ") and assigned accession no. DSM ACC2539; and (2) that the monoclonal antibody, in conjunction with anti-CD3 monoclonal antibody OKT3, costimulates proliferation of human T lymphocytes.

In response, Applicant hereby elects to prosecute the claims as pertaining to the use of 8F4 monoclonal antibodies to treat asthmatic disorders. Applicant has thus amended claim 53 to remove reference to the non-elected subject matter, *i.e.*, to the use of an 8F4 polypeptide. Applicant reserves to pursue the canceled subject matter in one or more related applications.

Applicant has further amended claim 1 in accordance with the Examiner's suggestion to include the language regarding the deposited 8F4 antibody and to include language regarding the antibody's ability to costimulate proliferation of human T lymphocytes in conjunction with the anti-CD3 antibody OKT 3.

Claims 54 and 59 have been canceled. Claim 54 has been canceled as it no longer limits the subject matter of claim 53 in view of the deletion of reference to an 8F4 polypeptide in claim 53. Claim 59 has been canceled as drawn to non-elected subject matter. Applicant reserves to pursue the subject matter of the canceled claims in one or more related applications.

Claims 55-58 have been amended to remove dependencies on a canceled claim.

Support for the amendment to claim 53 can be found in the specification, for example in Exemplary Embodiment 5.2 at page 17, lines 1-16 of the substitute specification filed on May 17, 2002 in connection with the instant application. No new matter has been added.

Claims 53-59 were pending in this application. Following entry of the amendments made herein, claims 53 and 55-58 will be pending.

The claims, as amended herein, are generally directed to methods of treating asthmatic disorders by administering an 8F4 inhibitory molecule that is a monoclonal antibody that recognizes the 8F4 polypeptide (*i.e.*, any epitope of the 8F4 polypeptide, which polypeptide is recognized by the antibody deposited with the DSMZ and assigned accession no. DSM ACC2539). The antibodies are capable of inhibiting a biological activity of the 8F4 polypeptide and, at least under certain conditions, for example *in vitro* and when cross-linked using a secondary antibody on a solid surface and in conjunction with the anti-CD3 antibody OKT3, costimulate proliferation of human T lymphocytes.

Applicant submits herewith a copy of a Statement of Applicant Regarding Permanence and Availability of Deposited Microorganisms originally submitted in connection with priority application no. 09/509,283 ("Statement"). Applicant requests that the Statement be made of record in the file of the instant application

#### CONCLUSION

In light of the above amendments and remarks, Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call Nikolaos C. George at (212) 790-6475, if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: September 3, 2003

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